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STATUTORY INSTRUMENTS

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**1998 No. 1276**

**The Razor Shells, Trough Shells and Carpet Shells  
(Specified Sea Area) (Prohibition of Fishing) Order 1998**

**Title and commencement**

1. This Order may be cited as the Razor Shells, Trough Shells and Carpet Shells (Specified Sea Area) (Prohibition of Fishing) Order 1998 and shall come into force on 23rd May 1998.

**Prohibition**

2. Fishing for razor shells (*Ensis spp.*), trough shells (*Spisula spp.*) and carpet shells (*Tapes spp.*) by means of any type of dredge by any fishing boat within any part of the area specified in the Schedule to this Order is prohibited.

**Powers of British sea-fishery officers in relation to fishing boats**

3.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise the powers conferred by paragraphs (2) and (3) below—

- (a) anywhere in relation to any British fishing boat registered in the United Kingdom; and
- (b) in any waters adjacent to the United Kingdom and within British fishery limits in relation to any other British fishing boat.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) above, and in particular—

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 5(1) or (6) of the Sea Fish (Conservation) Act 1967<sup>(1)</sup> as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search; and

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<sup>(1)</sup> Subsection (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of subsection (7), where subsection (6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under that subsection.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in sub-paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in port.

20th May 1998 *Elliot Morley*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

20th May 1998 *Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

20th May 1998 *Win Griffiths*  
Parliamentary Under Secretary of State, Welsh  
Office

20th May 1998 *Dubs*  
Parliamentary Under Secretary of State for  
Northern Ireland